

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
MIRIAM KAWACHE, an Infant by her parents and
natural guardians SERENA KAWACHE and ADAM
KAWACHE,

Plaintiffs,

-against-

UNITED STATES OF AMERICA,

Defendant.
-----X

FILED
IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.
★ JUL 31 2008 ★
BROOKLYN OFFICE

Docket No.:

COMPLAINT

3128

GLEESON, J.

GOLD, M.J.

Plaintiff alleges for their Complaint as follows:

1. This action arises under the Federal Tort Claims Act, 28 U.S.C. § 1346(B), 2671-80.
2. AHMAD M. JABER, M.D. is a physician licensed in New York who specializes in obstetrics and gynecology.
3. On December 12, 2005 AHMAD M. JABER, M.D. attended Serena Kawache at Lutheran Hospital and delivered a baby girl.
4. Because of AHMAD M. JABER'S departure from the standard of care in applying excessive lateral traction on the baby's head the child was caused to suffer a permanent Erb's palsy injury.
5. By operation of Statute and Law defendant is responsible for the actions of AHMAD M. JABER, M.D. in this case.
6. Six months have elapsed since plaintiff gave statutory notice of this claim to the Department of Health & Human Services, and it remains unresolved.

WHEREFORE, plaintiff demands judgment against defendant in the amount of \$3 million, together with the costs and disbursements of this action.

Dated: Carle Place, New York
July 28, 2008

Yours etc,

LANDERS & CERNIGLIARO, P.C.
Attorneys for Plaintiffs

Stanley A. Landers (d 3831)
STANLEY A. LANDERS SL (3831)
One Old Country Road, Suite 400
Carle Place, New York 11514
(516) 742-6000

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X Docket No.:
MIRIAM KAWACHE, an Infant by her parents and natural
Guardians, SERENA KAWACHE and ADAM KAWACHE,

Plaintiffs,

- against -

UNITED STATES OF AMERICA,

Defendant.
-----X

COMPLAINT

LANDERS & CERNIGLIARO, P.C.

Attorneys for Plaintiffs
One Old Country Road
Suite 400
Carle Place, New York 11514

(516) 742-6000
Fax No. (516) 742-6066

TO: UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK
271 Cadman Plaza, 7th Floor
Brooklyn, New York 11201